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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
P.O. Box 1107  
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB  
COMMISSIONER

NICHOLAS D. LIVESAY  
EXECUTIVE DIRECTOR

**AMENDMENT C TO DEVELOPMENT PERMIT DP 4279**

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Joel Cloutier & Lise Tanguay dba Cloutier –Tanguay Sugar House for Amendment C to Development Permit DP 4279, finds the following facts:

1. Applicant: Joel Cloutier & Lise Tanguay dba Cloutier –Tanguay Sugar House  
PO Box 216  
Jackman, Maine 04945
2. Date of Completed Application: April 12, 2016
3. Location of Proposal: Sandy Bay Twp., Somerset County  
Plan 01, Lot 1 (part of)
4. Zoning: (M-GN) General Development Subdistrict  
(P-SL2) Shoreland Protection Subdistrict
5. Lot Size: 1 acre (leased)
6. Existing Principal Buildings (Footprints):  
Existing Sugar House (24 ft. by 44ft.)  
w/ 2 Existing Enclosed Additions (8 ft. by 28 ft. & 8 ft. by 16 ft.)
7. Accessory Structures:  
Existing Generator Shed (8 ft. by 12 ft.)  
Proposed 16.5 ft by 40 ft. roof over a 12 ft. wide opening between two  
8 ft. by 40 ft. freight containers, for use as a storage accessory structure
8. Sewage Disposal:  
Existing Subsurface Disposal System for Sugar Processing Operation  
Existing Primitive System

**Background**

9. On December 21, 1994, the Commission approved Development Permit DP 4279 for the conversion of an existing 24 ft. by 44 ft. sap collection building to a maple sugar processing building with an 8 ft. by 12 ft. generator shed and a wastewater treatment system for the maple sugar processing operation.
10. On August 7, 2002, the Commission approved Amendment A to Development Permit DP 4279 for two enclosed additions (8 ft. by 28 ft. and 8 ft by 16 ft.) to the existing maple sugar processing building. The 8 ft. by 16 ft. addition was not constructed.
11. On January 13, 2015, the Commission approved Amendment B to Development Permit DP 4279 for the construction of an 8 ft by 16 ft. enclosed addition to the existing maple sugar processing building operated by the applicants.



**Proposal**

12. The applicant proposes to construct a 16.5 ft by 40 ft. roof over a 12 ft. wide opening between two 8 ft. by 40 ft. freight containers, for use as a storage accessory structure for the maple sugar processing operation.

**Review Criteria**

13. Under provisions of Section 10.24,A,3,c(8) of the Commission's Land Use Districts and Standards maple sugar processing operations may be allowed in a (M-GN) General Management Subdistrict upon issuance of a permit from the Commission.
14. Under provisions of Section 10.02,1 of the Commission's Land Use Districts and Standards an accessory structure is a structure subordinate to a permitted use.
15. Under provisions of Section 10.26,D,1&2 of the Commission's Land Use Districts and Standards commercial structures must be set back a minimum of at least 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, at least 75 feet from the traveled portion of all roadways and at least 25 feet from side and rear property lines.
16. The facts are otherwise as represented in the application for Amendment C to Development Permit DP 4279, and supporting documents.

**Based upon the above Findings, the staff concludes that:**

1. Based on the facts as presented and Chapter 10 Sections 10.21,A & 10.26 of the Commission's Land Use Districts and Standards the proposed accessory structure is an allowed use and meets all dimensional requirements.
2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

**Therefore, the staff approves the application of Joel Cloutier & Lise Tanguay dba Cloutier-Tanguay Sugar House with the following conditions:**

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. The proposed accessory structure must be setback at least 100 feet from the streams, at least 25 feet from the property lines and at least 75 feet from the nearest road.
3. All conditions of DP 4279 and amendments A & B shall remain in effect, except as specifically modified by this permit amendment.
4. Construction debris must not be disposed of in a wetland. All construction debris must be disposed in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
5. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps,

settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.

6. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 12th DAY OF APRIL, 2016.

for:    
Nicholas D. Livesay, Executive Director